

United States District Court

United States District Court
Southern District of Texas
FILED

SOUTHERN

DISTRICT OF
McALLEN DIVISION

TEXAS

AUG 12 2013

UNITED STATES OF AMERICA
v.David J. Bradley, Clerk
CRIMINAL COMPLAINTHector Guerra
A206 180 670

YOB: 1980

Principal
United StatesCase Number:
M-13-1453-M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about August 10, 2013 in Starr County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Aquilino Macedo-Osorio and Ana Laura Gazca-Nunez, citizens and nationals of the United Mexican States, and two (2) other undocumented aliens for a total of four (4), who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Rio Grande City, Texas to the point of arrest near Rio Grande City, Texas.

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On August 10, 2013, Border Patrol Agent (BPA) Jon Chan was conducting patrol duties in close proximity to the Rio Grande River in Rio Grande City, Texas. At approximately 6:15 p.m., BPA Chan was driving south on Cox St. and observed two subjects running north through an area known as Shufford's fields. These fields are along the Rio Grande River and are frequently utilized for narcotic and human smuggling. BPA Chan requested assistance from other agents and relayed his observations. BPA Chan then drove in the direction of Kain St. in an attempt to locate the subjects. As BPA Chan arrived at Kain St., he observed four subjects boarding a light blue passenger vehicle which was stationary facing north.

SEE ATTACHED:

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Approved to file
Terry J. Leonard
Asst. U.S. Attorney


Signature of Complainant

Ricardo Ibanez Jr. Senior Patrol Agent
Printed Name of Complainant

Sworn to before me and subscribed in my presence,

August 12, 2013
Date

8:59 am

at McAllen, Texas
City and State

Peter E. Ormsby, U. S. Magistrate Judge
Name and Title of Judicial Officer


Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

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RE: Hector Guerra

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CONTINUATION:

Based on the Agent's experience, location, and observations, BPA Chan suspected the vehicle was involved in illegal activity so he approached for a closer observation. As BPA Chan approached the vehicle, the driver began to drive north on Kain St. Once the driver saw the Border Patrol vehicle, the car came to a quick stop and four subjects immediately exited the vehicle and ran into a brushy area. The driver, identified as Hector GUERRA, stayed in the driver's seat and did not flee. BPA Chan immediately secured the vehicle and the driver and established Hector Guerra was a United States Citizen. BPA Garza and Lujano arrived to assist and were able to apprehend the four individuals that fled from the car. All four subjects claimed they had illegally entered into the United States and did not have citizenship. All subjects were then taken to the Rio Grande City, Texas Border Patrol Station for processing and questioning. At the Rio Grande City Border Patrol Station, record checks revealed the driver, Hector Guerra, had several criminal convictions.

PRINCIPAL STATEMENT:

Hector GUERRA was read his Miranda Rights by BPA F. Robles. GUERRA stated he understood his rights and was willing to provide a sworn statement without the presence of an attorney.

GUERRA stated he is currently living at his mother's house in Rio Grande City, Texas. He stated he was waiting for his friend Jaime who lives near the area where he was parked when he was arrested. GUERRA added four unknown subjects entered into his vehicle while he was waiting. GUERRA further stated his friend lives ten blocks from the spot where he was parked and the subjects asked him for a ride. GUERRA further stated the subject opened the doors and entered the vehicle without permission. GUERRA also said he told the subjects to get out when they got in. He continued to state he waved his hands to let the Border Patrol know that several subjects had entered his vehicle without his permission. GUERRA also stated the subject never threatened him.

MATERIAL WITNESS STATEMENTS:

Aquilino MACEDO-Orsorio was read his Miranda Rights by BPA F. Robles. MACEDO stated he understood his rights and was willing to provide a sworn statement without the presence of an attorney.

MACEDO stated he illegally entered into the United States on August 10, 2013. MACEDO stated he crossed the river with three other individuals. MACEDO added when they entered the United States, the guide told them to walk through the brush until they came upon a paved road. The guide told them the vehicle would be waiting for them there. MACEDO then said they walked for approximately 10 minutes before reaching road. When they reached the road, they saw a grey 4-door vehicle parked next to the berm that they had climbed up. MACEDO then stated he opened the passenger door and entered the vehicle. MACEDO stated the driver told him to get out and change seats with his friend who was sitting in the right rear passenger seat.

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CONTINUATION:

MACEDO stated the driver said he wanted her to sit in the front passenger seat. MACEDO described the vehicle he boarded as being grey in color and added they did not get to travel far since Border Patrol arrived. MACEDO said when that happened, the driver told them to exit the vehicle and run. He stated that they all ran and the driver stayed in the vehicle. MACEDO was shown a DHS Photo Lineup and identified Hector Guerra as the driver of the vehicle.

Ana Laura GAZCA-Nunez was read her Miranda Rights by BPA F. Robles. GAZCA stated she understood his rights and was willing to provide a sworn statement without the presence of an attorney.

GAZCA stated she illegally entered into the United States on August 10, 2013. GAZCA stated she crossed the river with three other individuals. GAZCA stated the guide told them to walk through the brush and a vehicle would be waiting for them. GAZCA stated they walked for about 10 minutes before reaching the vehicle. GAZCA added when they reached the vehicle, she opened the rear passenger door and entered the car. She then said the driver told her to get out and change seats with her friend. GAZCA further stated her friend was sitting in the front passenger seat and the driver said he wanted her friend to sit in the rear. GAZCA described the vehicle as being grey in color and said they never left since Border Patrol got to the area. GAZCA then said when that happened, the driver told them to exit the vehicle and run. GAZCA added they ran and were apprehended shortly after by Border Patrol. GAZCA stated she sat in the front passenger seat and identified Hector Guerra as the driver through a DHS Photo Lineup.